

Status of Claims

Claims 3-28, 30-155 and 157-163 have been cancelled. Claims 1-2, 29, 156 and 164-168 are pending and their final rejection is appealed; a copy of the claims on appeal is set forth in Claims Appendix.

Status of Amendments

All amendments have been entered.

Summary of Claimed Subject Matter

Independent claim 1 is directed to a composition comprising (a) a drug that is a crystalline highly soluble salt form other than the crystalline hydrochloride salt and (b) a concentration-enhancing polymer selected from cellulose acetate phthalate (CAP), cellulose acetate trimellitate (CAT), hydroxypropyl methyl cellulose phthalate (HPMCP) and hydroxypropyl methyl cellulose acetate succinate (HPMCAS). Published Application No. 2002/0006443 ('6443) [0067]-[0071] & [0092]. The drug alone has an aqueous solubility up to about 1 to 2 mg/mL, '6443 [0061] and when it is basic, it has an aqueous solubility of at least twice that of the more soluble of the crystalline hydrochloride salt and the crystalline free base drug form. '6443 [0068]. Finally, the composition is not a dispersion '6443 [0031] and the drug and polymer are present as particles in a dry physical mixture. '6443 [0029].

Independent claim 164 differs from claim 1 by specifying that the polymer is HPMCAS alone. '6443 [0092].